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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,553	06/28/2001	Mark Lewis	P 279171 P11166	5111

7590 09/08/2005  
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EXAMINER

PHILIPPE, GIMS S

ART UNIT PAPER NUMBER

2613

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/892,553	LEWIS, MARK	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gims S. Philippe	2613	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 24, 2005 has been entered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-7, 9-11, 13-15, 17-18, 21-23, 25, 28-37 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiryaman (US Patent no. 6,157,401) in view of Sheridan (US Patent no. 5760917).

Regarding claims 1, 17, 25 and 31, Wiryaman discloses the same method for location-based image sharing (See Abstract), comprising defining a sharing rule associated with the one or more recipients images (See col. 3, lines 11-32, and col. 6, lines 30-43), and applying information associated with an image to the sharing rule to determine the one

Art Unit: 2613

or more recipients with which the image should be shared (See col. 5, lines 1-9, and lines 46-54).

It is noted that although Wiryaman discloses sharing images it is silent about a rule that specifies one or more recipients with whom images should be shared based on location-identifying information.

Sheridan discloses sharing images based on a rule that specifies one or more recipients with whom images should be shared based on location-identifying information (See Sheridan col. 5, lines 10-18, col. 6, lines 13-32, and lines 56-63).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Wiryaman's method by incorporating Sheridan's rule that specifies one or more recipients with whom images should be shared based on location-identifying information. The motivation for such a modification in Wiryaman is to allow users to readily distribute stored images to third parties at remote terminal once a sharing rule granting access is established as taught by Sheridan (See Sheridan col. 2, lines 11-17).

As per claims 2, 4, 6, 10, 14, 18, 22, 29, 32, and 35-36 most of the limitations of these claims have been noted in the above rejection of claims. In addition, Wiryaman's gate keeper automatically send the digital image once the requested admission is granted (See col. 5, lines 1-25).

Art Unit: 2613

As per claims 5, 7, 13, 15, 21, 23, 28, 30, and 34, Wiryaman further provides identifying information comprising latitude and longitude coordinates, proximity identifying information, and a set of location-identifying information (See col. 6, lines 4-11).

As per claim 33, the registry end point in Wiryaman is considered as the claimed database further provides location (See col. 3, lines 42-63).

As per claims 9 and 37, most of the limitations of these claims have been noted in the above rejection of claim 1. In addition, in order for Wiryaman's gatekeeper 18 to properly manage the communication a buddy list is a must as explained in col. 3, lines 21-24, lines 64-67, and col. 4, lines 1-7.

3. Claims 3, 8, 11-12, 16, 19, 20, 24, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiryaman (US Patent no. 6,157,401) in view of Sheridan as applied to claims 1 and 11, and further in view of Maali et al. (US Patent no. 6567775).

Regarding claims 3, 8, 12, 16, 19, 20, 24, 26, and 27, most of the limitations of these claims have been noted in the above rejection of claims 1, 11.

It is noted that while the combination of Wiryaman and Sheridan suggest a buddy list (See Sheridan col. 4, lines 48-61), it is silent about defining the share rule

Art Unit: 2613

based on face identifying information, and face recognition technique list stored in a face information database.

However, Maali discloses an image sharing apparatus and method including defining a share rule based on face identifying information, a body list, and face recognition technique stored in a face information database (See Maali fig. 4, items 415 and 420, figs. 8-9, and col. 2, lines 38-45, col. 4, lines 5-8, col. 5, lines 56-63).


Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Wiryaman's image sharing system by incorporating Maali's share rule based on face identifying information, a body list, and face recognition technique stored in a face information database. The motivation for performing such a modification in Wiryaman is to perform proper speaker/user or client recognition in order to permit searching and retrieval of digital data as taught by Maali (See Maali col. 2, lines 1-26, and lines 38-45).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (9:30-7:00) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri S. Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2613

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gims S Philippe  
Primary Examiner  
Art Unit 2613

GSP

September 2, 2005